

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

DOCKET NO.: 04- 11572 JLT

SUSAN COONEY,
Plaintiff,

v.

SAYBROOK GRADUATE SCHOOL
AND RESEARCH CENTER and
MAUREEN O'HARA, Individually,
Defendants.

**STATEMENT OF MATERIAL FACTS OF DEFENDANT
SAYBROOK GRADUATE SCHOOL AND RESEARCH CENTER**

1. Saybrook is a graduate school and research center located in San Francisco, California that offers a human science approach to psychology graduate studies. See Amended Complaint ¶ 2 (Exhibit 1 to Affidavit of Grace Garcia ("Garcia Aff.")), Saybrook's 1994-95 Interim Catalogue ("1994-95 Catalogue") at 1 (Exhibit 2 to Garcia Aff.).

2. Saybrook provides its education through a distance learning model and its mission is to "provide a unique and creative environment for graduate study, research, and communication in humanistic psychology and human science, focused on understanding and enhancing the human experience." See Amended Complaint ¶ 7; 1994-95 Catalogue at (i) (Exhibit 2 to Garcia Aff.).

3. Saybrook informs its prospective and current students that its primary emphasis is to "prepare its graduates as scholars and researchers in the broad domain of human experience." Id. at 3.

4. For those students who wish to work as licensed psychologists, "[s]uch students are advised that they should contact the licensing board in the state in which they plan to practice to obtain the detailed requirements, because regulations differ from state to state." Id. at 3.

5. Susan Cooney entered into a course of study at Saybrook in 1995. Her acceptance of admission was based on the condition that her admission into the program was as stated in Saybrook's 1994-95 Interim Catalogue. See Signed Offers of Acceptance dated January 8, 1995 and April 26, 1995 ("Signed Offers") (Exhibit 3 to Garcia Aff.).

6. Cooney began her studies at Saybrook in the fall of 1995. See Amended Complaint ¶ 11.

7. In October 2002, after Cooney completed the necessary academic curriculum, she received a doctorate in psychology from Saybrook. Id. at 23.

8. At the time of Cooney's matriculation in 1995, she was told by Saybrook that she should consult with the appropriate state authorities if she planned to become a licensed psychologist. Id. at 8.

9. Saybrook's 1994-95 catalogue advised students that they should be aware "that states review applications individually to be sure all requirement of the state licensing board have been met. Regulations are constantly changing." See 1994-95 Catalogue at 3.

10. Cooney waited until 2003 before she "inquired" of the Massachusetts Board of Registration of Psychologists (the "Board") concerning the procedures for obtaining a license to practice as a psychologist within the Commonwealth of Massachusetts. See Amended Complaint ¶¶ 8, 24; see also Deposition of Susan Cooney ("Cooney Dep.") at Vol. 1, 56-7, 72 (stating that she did not make inquiry of the Board regarding the requirements for licensure as a psychologist until early 2003) (Exhibit 4 to Garcia Aff.).

11. At that time, the Board informed Cooney that Saybrook did not have the necessary accreditation required by the Board for her to be eligible for licensure. See Amended Complaint ¶ 25; see also October 20, 2004 Letter from the Board (Exhibit 5 to Garcia Aff.).

12. While Cooney had been completing her degree program at Saybrook, the Board had adopted a new regulation requiring that applicants filing after September 1, 2000 must have graduated from a doctoral program designated by the Association of State and Provincial Psychology Boards ("ASPPB"). See id.; see also Deposition of Dr. Karen Schwartz ("Schwartz Dep.") at 73-74, (Exhibit 6 to Garcia Aff.).

13. Prior to that date, the Board had not required applicants to graduate from a school with such a designation. See, e.g., Schwartz Dep. at 94-95, 101 (stating that two Saybrook graduates were approved for licensure prior to September 1, 2000).

14. The Board did not circulate notice of this change to graduate schools, nor was notice of the new regulation made known to Saybrook, as the Board does not correspond with schools. Id. at 48.

15. Saybrook is fully accredited by the Western Association of Schools and Colleges, but not designated by the ASPPB. See 1994-95 Catalogue at (i); Schwartz Dep. at 79.

Counsel for Defendant,
SAYBROOK GRADUATE SCHOOL AND
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Dated: August 21, 2006

Certificate of Service

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on August 21, 2006.

/s/Michael F. Aylward

Michael F. Aylward, BBO #024850